

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. C-09-741
	§	
OCTAVIAS LARAY PERRY	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. Though the defendant has only one felony conviction from 1996, that case involved illegal drugs and aggravated assault with a weapon. The defendant was unable to comply with probation terms, and in 1999 his probation was revoked and he was sentenced to six years in prison. Since being release from prison, the defendant has been convicted of assault (1/08), driving while intoxicated (7/08) , driving while license suspended (8/08), failure to identify and driving while license suspended (9/08), and he has a pending resisting arrest charge. The instant offense involves the defendant brandishing a loaded pistol in

the presence of police officers and threatening to shoot them. His inability to comply with probation in the past, coupled with his unbroken string of criminal arrests and convictions make him a poor bond candidate.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 10th day of September, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE